

**MINUTES
OF THE REGULAR MEETING OF THE
CITY OF BIRCHWOOD VILLAGE
VIRTUAL MEETING
May 11, 2021
7:00PM**

CALL TO ORDER

Mayor Wingfield called the meeting to order at 7:01 and stated that the meeting was being held remotely in compliance with Governor Walz's Stay at Home Order, then shared the procedure for public hearing and community comment.

MEMBERS PRESENT: Mayor Mary Wingfield, Councilmembers; Kevin Woolstencroft, John Fleck, Justin McCarthy, Mark Foster

STAFF PRESENT: City Administrator, Andy Gonyou, City Attorney, H Alan Kantrud

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

Mayor Wingfield stated that she would like to add the following:

1. Using the City Engineer to create a priority financial funding with the state legislature
2. In house meetings
3. Entry sign into birchwood
4. Model potentially

Councilmember Fleck would like to add the following:

1. Birch easement
2. Trees

Councilmember McCarthy would like to delete items from original agenda.

- ~~1. Salt brine and~~
- ~~2. Grants~~ These are not ready to discuss now

MOTION MADE BY COUNCILMEMBER MCCARTHY TO APPROVE THE AGENDA AS AMENDED. SECONDED BY COUNCILMEMBER FOSTER. ROLL CALL VOTES: AYES; Foster, McCarthy, Woolstencroft, Fleck, Wingfield. MOTION PASSED.

OPEN PUBLIC FORUM:

1. Barton Winter: (1 Five Oaks La) discussed Husnik property.

ANNOUNCEMENTS

- A. We are social, follow us on Facebook: @Birchwoodcityhall or Twitter: @CityofBirchwood
- B. Newsletter will be going out the end of May.
- C. Signs about lost dog finding its owner.
- D. Nice article about the Village Hall in Pioneer Press on Monday, May 10th.

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Planning Commission Meeting Minutes
- C. Subdivision Study Task Force Meeting Minutes from May 5, 2021

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 13, 2021
 1. Councilmember McCarthy requested more information instead of "council deliberation" on page 20 and 21) Mayor Wingfield suggested to table this for next meeting.

B. Approve Treasurer's Report

MOTION MADE BY COUNCILMEMBER MCCARTHY TO APPROVE THE TREASURER'S REPORT. SECONDED BY COUNCILMEMBER FLECK. ROLL CALL: AYES; FLECK, MCCARTHY, FOSTER, WOOLSTENCROFT, WINGFIELD. MOTION PASSED

C. Approve Resolution 2021-13. Approving Coverage for City Workers' Compensation Insurance Policy

1. Councilmember McCarthy questioned about the 3 groups listed and if employees need to be listed also or are they are presumed. City Administrator Gonyou said that the employees are presumed.

MOTION MADE BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2021-13. SECONDED BY COUNCILMEMBER FOSTER. ROLL CALL: AYES; FOSTER, WOOLSTENCROFT, FLECK, MACARTHY, WINGFIELD. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. Variance Case No. 21-01- VB for 419b Wildwood Avenue

1. Mayor Wingfield mentioned that upon discussing this with City Attorney Kantrud that a report from a Civil Engineer of the property can be improved upon without the request of a variance.
2. Homeowner wanted to raise height along with including a basement. Civil engineer produced alternatives to raise it at least 6" in order to get it out from water coming into house.
3. Mayor Wingfield would like to send back to Planning Commission but questioned the 60 day deadline.

MOTION MADE BY COUNCILMEMBER FLECK TO DENY VARIANCE CASE NO 21-01-VB AND HAVE THE APPLICANT TO MOVE THIS BACK TO THE PLANNING COMMISSION AND PROVIDE THEM WITH THE NECESSARY ENGINEERING AND ARCHITECTUAL RENDERINGS FOR THEM TO ACT. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Discussion from Councilmember McCarthy asking if they are just raising the structure. Questioning what Council is actually asking from her? Does she need that to raise the structure 6"?

Councilmember Fleck explained his understanding from the planning commission that it was not complete.

AMENDED MOTION MADE BY MAYOR WINGFIELD TO DENY THE PERMIT TONIGHT AND WAIVE FURTHER APPLICATION FEE OF \$600 IF THE HOMEOWNER WANTS TO COME FORWARD AND RESUBMIT HER APPLICATION WITH THE PLANNING COMMISSION FOR REVIEW. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Councilmember Fleck voiced concerns that the Planning Commission should really take a good look at what would be going on with not only the house but the lot. Mayor Wingfield suggested that the homeowner contact Jack Kramer the Building Official and Doug Danks the City Planner for their input with the new engineer drawings.

ROLL CALL: AYES; FLECK, MCCARTHY, WOOLSTENCROFT, FOSTER, WINGFIELD. MOTION PASSED.

B. 143 Wildwood Avenue Retaining Wall

1. City Administrator Gonyou gave the city background on Wildwood with the help of City Engineer Thatcher. Work was being done without a permit.
2. City Engineer Thatcher mentioned to the City Council that the city issued a stop work order. Had homeowner put up erosion control on property. Homeowner is working on getting the necessary permits. Thatcher also explained to the council on what the homeowner needed to do and that he would stay on top of this situation.
3. Mayor Wingfield asked about timeline on getting these permits, so it keeps getting resolved. No application has been made yet. City Attorney Kantrud said that there would be a 60-day starting time. But it is up to the council as to how long they want to take as it is a big concern. Needs to be corrected as soon as possible.
4. Homeowner said they are working on the paperwork right now.
5. Mayor Wingfield, talking to the homeowner first about this situation, saying that because this happened in the City of Birchwood and that the city didn't hear about this for a while, Mayor Wingfield said that it was unacceptable, she asked Cam to resign from the White Bear Lake Conservation District Board.

MOTION MADE BY MAYOR WINGFIELD TO HAVE CAM RESIGN FROM THE CONSERVATION DISTRICT IN HIS COMPASITY AS BIRCHWOOD REPRESENTIVE SECONDED BY COUNCILMEMBER FLECK.

1. Cam discussed his reasonings as to what happened. And that it was not intentional.

ROLL CALL: AYES; Wingfield, Fleck, Woolstencroft, Foster, McCarthy. MOTION PASSED.

MOTION MADE BY MAYOR WINGFIELD THAT THE CITY ORDER THE WASHINGTON COUNTY SHERIFF'S OFFICE TO PUT A CITATION ORDER ON THE COMPANY/PERSON FOR VIOLATING CITY CODES THAT ARE APPLICABLE INCLUDING FAILURE IN GETTING A PERMIT FOR A VARIANCE, CONDITIONAL USE PERMIT AND A GRADING PERMIT. SECONDED BY COUNCILMEMBER FLECK. ROLL CALL: AYES; Fleck, Woolstencroft, Foster, McCarthy, Wingfield. MOTION PASSED.

C. City Hall Improvements Taskforce Update

1. Mayor Wingfield sent out memo to councilmembers, outlining the task force recommendations

- a. Weather tight

- i. replace roof.

- a) Requesting more bids. Put on Monday's May 17th meeting.

- ii. window replacement

- b) 4 big windows, window on side where stairwell is going downstairs along with additional work done around the windows.

MOTION MADE BY COUNCILMEMBER MCCARTHY TO AUTHORIZE MARK JOHNSON OF HISTORIC DESIGN TO RESTORE THE WINDOWS AND TO MAKE STORM WINDOWS. SECONDED BY MAYOR WINGFIELD ROLL CALL: AYES; McCarthy, Fleck, Foster, Woolstencroft, Wingfield. MOTION PASSED.

- c) siding

D. Utility Committee Update

1. How to proceed with meters
2. Covid monies
3. Going to meet at a later date
4. Dakota Supply – 400 meters confirm a certain amount in their technology
 - a Price of \$128,411
 - b Looking at possibly September for installation.

MOTION MADE BY MAYOR WINGFIELD TO ENTER INTO THIS CONTRACT THAT WAS FORWARDED TO US WITH THE TOTAL PRICE OF \$129,000 WITH THE UNDERSTANDING THAT STAFF NEEDS TO VERIFY THE IDEA OF THE SIM CARD AND CUSTOMER PORTAL SHOULD BE INCLUDED. FIGURE MAY CHANGE A LITTLE BUT THE CONTRACT AS PRESENTED BY DAKOTA SUPPLY. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

MOTION WAS MADE BY COUNCILMEMBER MCCARTHY TO AMEND THE MOTION TO APPROVE IT SUBJECT TO HAVE CITY ATTORNEY KANTRUD AND CITY ENGINEERING THATCHER REVIEW AND APPROVE THE CONTRACT. MAYOR WINGFIELD ACCEPTED THE AMENDMENT TO THE MOTION. SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ROLL CALL: AYES; Woolstencroft, Foster, Fleck, McCarthy, Wingfield. MOTION PASSED.

E. Council Member Reports

1. Mayor Wingfield

- a. Using the City Engineer to create a priority financial funding with the state legislature.

1. Discussion made by council and City Engineer Thatcher

- i. Deadline May 17, 2021

2. Subdivision Task Force asked if he could review the subdivision amendments proposed and City Engineer Thatcher did make those recommendations and now the task force would like to invite him to the meeting, a face-to-face meeting in June and need council's permission to allow City Engineer Thatcher to keep working with them.

MOTION MADE BY MAYOR WINGFIELD TO AUTHORIZE CITY ENGINEER THATCHER TO KEEP WORKING WITH THE SUBDIVISION TASK FORCE AT THE JUNE 12th 2021, MEETING. SECONDED BY COUNCILMEMBER FLECK. ROLL CALL VOTES: AYES: Fleck, McCarthy, Woolstencroft, Foster, Wingfield. MOTION PASSED.

2. In House Meetings
 - a. Discussion was made by Council and agreed to meet in person.
 - b. Let Public know to distance themselves. Indoor masks are not mandatory. If uncomfortable, one may telephone in.
3. City Motto
 - a. On website it says, "Exceptional Places, Exceptional People."
 - b. Permission to put into newsletter to have residents send in some alternatives then the standard one.
 - c. Councilmember McCarthy suggested making it a contest with Centennial T-shirts as a prize.
3. Entry sign into birchwood
 - a. Only signs located are on Wildwood Ave and Cedar/East County Line
 - b. With doing new signage would like to put up signs on the east side.
 - i. Go out and get bids.
4. Model potentially
 - a) Rain Garden Requirements
 - i. Discussion was made on how to handle the requirements.
 - ii. Ask the watershed district on maintaining the monies.
 - iii. Permit them as Conditional Use Permit
 - a. City Attorney Kantrud to bring back to next meeting.
 - b) Contractor Insurance vs. Contractor Letter of Credit
 - i. Discussion made by Council and decided it was costly.
 - a. City Engineer Thatcher suggested that Contractor Letter of Credit put in Subdivision Code.
 - c) 2040 Comp Plan
 - i. Mayor Wingfield meet with Met Council staff. Getting close to the end.
 - d) Cross referencing Building Code 200 with City Code 300
 - i. Council discussed the interplay of these 2 codes.
 - ii. Need cross reference saying in the beginning of code 200 to say "please be advised that additional permits may be required under code 300". Code modification, not adopting a new code.

MOTION MADE BY MAYOR WINGFIELD TO AUTHORIZE CITY ADMINISTRATOR GONYOU TO PUT IN THAT CAVIOUNT AT THE BEGINNING OF CODE 200 TO SAY, "PLEASE REVIEW CODE 300 REGARDING ADDITIONAL PERMIT REQUIREMENTS FOR ANY PROJECT". SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Councilmember Fleck brought up the 400 sq feet, also that of the 50cubic yards, saying that's a lot of material without a permit. Councilmember Fleck brought up the 400 sq feet, also that of the 50cubic yards, saying that is a lot of material without a permit. City Engineer Thatcher explained this issue and read Code 301.07, and then read 301.08 Zoning Permit.

2. Councilmember Fleck
 - a. 20 MPH Speed Limit
 - i. Discussed why the speed limit should be lowered.
 - ii. 20 MPH on Hall
 - iii. Contact sheriff for location of traffic wagon
 - iv. write a short inquiry to residents and post it into the newsletter.
 - b. Birch Easement
 - i. walked with resident and got about a 1-1/2' of material in the spill way that feeds into the rain garden at birch. Need to be removed.
 - ii. Invite Rice Creek out and have field trip out there.
 - c Trees
 - i. planted 32 trees at hockey rink.

3. Councilmember McCarthy

a. Kay Beach

- i. Company that is providing the sand is donating the sand to Duffys and in turn Duffys are donating the cost of delivery to the city.
- ii. Would take a little for own beach and some to Kay Beach for the rut.
- iii. Discussion was made on whether to accept or not and issues.
- iv. Possibly review in fall.

F. City Administrator's Report

1. Music in the Park

- a. Thank you to Alan Mitchel for getting the artists.
- b. 10 artists, June 13 thru August 29
- c. No limits on capacity as of May 31, social distancing outdoor events.
- d. Rain outs to move concerts to indoors at City Hall. July 1 would end the mandate of wearing masks indoors.

MOTION MADE BY MAYOR WINGFIELD THAT WE SPLIT THE ARTISTS FEE TO \$50.00 ON A RAIN OUT FOR A SINGLE ARTIST AND \$100.00 FOR A GROUP ARTISTS. SECONDED BY COUNCILMEMBER MCCARTHY. ROLL CALL VOTES: AYES; McCarthy, Wingfield NAYS: Fleck, Foster, Woolstencroft MOTION DID NOT PASS

MOTION MADE BY COUNCILMEMBER FLECK THAT THE ARTISTS GET PAID THE FULL AMOUNT EVEN ON A RAIN DAY. SECONDED BY COUNCILMEMBER MCCARTY. ROLL CALL VOTES: AYES; Fleck, Foster, McCarthy, Woolstencroft, Wingfield. MOTION PASSED

2. Planning Commission Vacancy

- a. Allow the vacancy to be published in the newsletter which goes out the end of the month and accept applications at the end of June.

G. Old Business

1. Lost Lake Court/Birchwood intersection

- a. Councilmember Fleck and Mayor Wingfield going to Mahtomedi meeting.

2. 312 Wildwood Avenue

- a. Regards to the shed, City Attorney Kantrud provided a letter that was sent out and steps to be taken – 14-day deadline given, sent certified mail.
- b. City Maintenance Staff will remove shed if the city has not heard after the 14 days.
- c. Motion needs to be made in courts to assess the property.
- d. Discussion was made about neighbor who claims she lost property.

3. Building Maintenance Ordinance Update

- a. Discussion was made on breaking down the ordinance.
- b. Will bring it up at the July meeting or possibly June meeting.

H. Husnik Property Update (City Attorney Kantrud)

a. Update to Council

- a. Council and City Attorney Kantrud decided to go into closed session to discuss Husnik property.

b. Mayor Wingfield read the following:

The City of Birchwood is about to conduct a closed meeting of its City Council meeting pursuant to Minnesota Statute 13D.05 Subdivision C to review confidential or protected non-public appraisal data under section 13.44 Subdivision 3 to develop or consider offers or counter offers for the purchase, or sale of real property. The parcel in question is located at 176 Cedar St in full disclosure to the public, the parcel is 3.59 acres of property that was purchased by Husnik Homes who is a real estate developer and who has intern offered to sell a portion of the parcel to the city as in for open space or alternatively to buy down development density. The offer from the developer was to sell the city.

2.6 acres of the parcel as well as a 10-foot pathway to the area from Cedar St for \$500,000 dollars. City Attorney Kantrud has engaged in a professional appraiser and obtained an appraisal for the parcel which will also be discussed in closed session and is considered confidential data pursuant to Minnesota Statute 13.4 Subdivision 3A to which Mayor Wingfield proceeded to read.

The closed portion of this meeting will be preserved for 8 years and made available to the public after all real property discussed at the meeting have been purchased or the city has abandoned the purchase. For the record, the following persons will be in attendance during the closed session and this statement will be available to the public following the adjournment of the overall City Council.

ROLL CALL: AYES; COUNCILMEMBERS; John Fleck, Mark Foster, Justin McCarthy, Kevin Woolstencroft, MAYOR Mary Wingfield, CITY ATTORNEY, H. Alan Kantrud, CITY ADMINISTRATOR/CLERK, Andy Gonyou
Mayor Wingfield then proceeded to close the meeting at 9:30PM.

Council back on air at 10:07

The Findings were made as follows:

Mayor Wingfield and Council met privately to discuss the offer of the Husnik property regarding 2 plus acres of property at the address of 176 cedar St. At this time, the city council has decided to decline the offer of \$500,000 for the purchase of that property, with the knowledge that the city obtained an independent appraisal for the value of that property being \$180,000. Previously, the city had offered Husnik properties value comments with that appraisal in the amount of cash and tax incentive, tax benefits and that offer was declined by Husnik properties. So, the city has evaluated its need for this space in a relation to its financial needs going forward in the coming 5 years and those financial obligations are.:

- . \$200,00 for transitioning the water system, meter readings system.
- . \$500,000 for sewer lift system upgrade at the wildwood lift station.
- . At least 1 million dollars is for the overlay of the existing road for the entire city.
- . Along with the rehabilitation needs of the city hall.

Those expenses come to over 2 million dollars. Knowing that our annual budget and tax assessment for the community is \$500,000 the City Council has decided that it is not fiscally prudent for us to proceed with an offer that was proposed to us of \$500,000 and in light of our appraisal with the purchase price of the entire property was \$500,000 and of course it is a subject to any counter offer the developer may decide or reconsider our offer, but at this time the city council believes it is appropriate to let all know parties know that we need to do address our own concerns and let the parties move forward with their own needs.

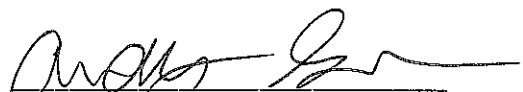
The information that we discussed becomes public including the appraisal, we will have a letter drafted by our attorney to send to the developers. We will publish this information in our next newsletter with what we just discussed. We hope the city residents understand, the needs of the greater community will have to be balanced with the needs of the immediate area and we also recognize the value that will be applied from new housing as a benefit to the city. We have to take that into consideration as well.

MOTION MADE BY COUNCILMEMBER FLECK TO ADJOURN THE MEETING. SECONDED BY MCCARTHY. ROLL CALL AYES: Fleck, McCarthy, Foster, Woolstencroft, Wingfield. MOTION PASSED
MEETING ADJOURNED AT 10:10PM

ATTEST:



Mayor Mary Wingfield


City Administrator/Clerk Andy Gonyou

RESOLUTION 2021-13

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**APPROVING COVERAGE FOR CITY WORKERS' COMPENSATION
INSURANCE POLICY**

At a regular meeting of the City Council of the City of Birchwood Village held virtually through video and telephone conferencing on Tuesday, May 11, 2021, via Zoom Video Communications, Inc., with the following members present: Mayor Mary Wingfield, Council Members Jon Fleck, Justin McCarthy, Mark Foster, and Kevin Woolstencroft, and the following absent: none, the Birchwood Village City Council resolved:

WHEREAS, the City of Birchwood Village has workers' compensation insurance coverage through the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, the City's workers' compensation insurance policy must be renewed by June 12, 2021.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village, pursuant to Minnesota Statute 176.011, subd. 9(6), the Minnesota Workers' Compensation Act, members of the following groups are included in the City's worker's compensation coverage:

1. Members of the Birchwood City Council;
2. Members of all Birchwood advisory commissions; and,
3. Volunteers working for the City of Birchwood Village.

Resolution duly seconded and passed this 11th day of May, 2021.



A handwritten signature in black ink, appearing to read "Mary Wingfield".

Mary Wingfield, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Andy Gonyou".
Andy Gonyou, City Administrator-Clerk